

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESHANE J. HOLMES,

Plaintiff, No. CIV S-04-1308 DFL PAN P

vs.

STEVE TEER,

Defendant. ORDER

Plaintiff proceeds with the paid filing fee and without counsel in this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 17, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Defendant has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed August 17, 2005, are adopted in full;

3 and

4 2. Defendant's December 20, 2004, motion to dismiss is denied and defendant is
5 directed to file and serve an answer within thirty days.

6 DATED: 9/14/2005

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9 DAVID F. LEVI
10 United States District Judge